

ORDINANCE NO. 28594

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 25.11 OF TITLE 25 OF THE SAN JOSÉ MUNICIPAL CODE TO ADD A NEW PART 12 TO REQUIRE AN AIRPORT TRAINING STANDARDS PROGRAM FOR EMPLOYEES OF COVERED BUSINESSES AT THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT AND AMENDING PART 15 SECTIONS 25.11.1510 AND 25.11.1530 TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT OF THE EMPLOYEE TRAINING STANDARDS PROGRAM

WHEREAS, maintaining Airport safety and security is critical for the successful operation of the Norman Y. Mineta San José International Airport; and

WHEREAS, having a well-trained workforce familiar with the environment and procedures at the Airport will enhance Airport safety, security and customer service; and

WHEREAS, an Airport training standards program will enhance effective responses to emergencies by employees of covered businesses at the Airport; and

WHEREAS, an Airport training standards program will also support and facilitate better working relations between covered businesses operating at the Airport; and

WHEREAS, an Airport training standards program will also provide increased career growth opportunities for employees of covered businesses who develop enhanced skills and will thereby help to reduce employee turnover at the Airport;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Chapter 25.11 of Title 25 of the San José Municipal Code is hereby amended to add a new Part 12, to be numbered, entitled and to read as follows:

Part 12
Airport Training Standards Program

25.11.1200 Application

The Airport Training Standards Program required under this Part shall apply to all Airport Businesses.

25.11.1210 Development of Airport Training Standards Program

- A. The Director of Aviation shall develop an Airport Training Standards Program for Covered Employees of all Airport Businesses and shall promulgate regulations to implement the Airport Training Standards Program.
- B. The Director of Aviation shall hold a public hearing and allow public comment on any proposed Airport Training Standards Program regulations prior to adoption thereof. The Director of Aviation shall provide not less than ten (10) days' notice of such public hearing. A copy of such Airport Training Standards Program regulations shall be on file in the Airport Department and the Office of Equality Assurance.
- C. It shall be unlawful to disobey or fail to comply with any regulations adopted pursuant to this Part.

SECTION 2. Section 25.11.1510 of Chapter 25.11 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.11.1510 Regulations

- A. Except as otherwise provided in Part 12 of this Chapter, the Director may promulgate regulations consistent with this Chapter.
- B. The Director shall hold a public hearing and allow public comment on any proposed rule or regulation prior to adoption thereof. The Director shall provide not less than ten (10) days' notice of such public hearing. A copy of such administrative rules and regulations shall be on file in the Office of Equality Assurance.
- C. It shall be unlawful to disobey or fail to comply with any regulation adopted pursuant to this Chapter.

SECTION 3. Section 25.11.1530 of Chapter 25.11 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

25.11.1530 Record Keeping, Reporting and Audit

- A. Each Airport Business shall maintain for each employee performing work at the Airport a true and accurate record of the employee's name, address, job classification, hours worked, pay rate, health benefits received, and training completed under the Airport Training Standards Program, and shall preserve such records for at least three (3) years.
- B. Each Airport Business shall submit a copy of the pay rate and health benefits records or documents required to be kept pursuant to this Section, including the employee's name, address, job classification, and hours worked, to the City at least by March 31st, June 30th, September 30th and December 31st of each year.

Each Airport Business shall submit a copy of the training records or documents required to be kept pursuant to this Section to the City at least by June 30 of each year. Failure to provide a copy of such records or documents within five (5) days of the due date will result in a late fine of One Hundred Dollars (\$100.00) per day.

- C. At all other times, the Airport Business shall make all records or documents required to be kept pursuant to this Section or regulations promulgated by the Director to verify compliance with this Chapter, available for audit at no cost to City, at any time during regular business hours, upon written request by the City Attorney, City Auditor, City Manager, or a designated representative of any of these officers. Copies of such records or documents shall be provided to City for audit at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records or documents shall be available at the Airport Business's address indicated for receipt of notices in the Airport Contract or permit.
- D. The records or documents required to be kept pursuant to this Section or regulations promulgated by the City to verify compliance with this Chapter shall be complete and accurate. The provision of false information to the City shall be a violation of this Chapter.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk